

Hazardous Materials Bulletin

UNDERGROUND STORAGE TANKS AND ON-SITE FUELING OF VEHICLES

VOLUME 02 NO. 06

Revised April 2004

With the public awareness and emphasis on environmental quality, many people are removing their underground petroleum fuel storage tanks and using other methods of fueling vehicles.

There is no provision in the Federal Hazardous Materials Regulations (FHMR; CFR Title 49, Parts 100-180) that authorize the transportation of flammable liquids in a non-specification bulk package, such as an underground storage tank. **Unless a tank is completely cleaned and purged, the tank and vehicle must comply with the FHMR.** This includes shipping papers, marking, labeling, placarding, employee training, package specifications, appropriate CDL endorsements, proper insurance limits, etc.

Any sediment or other liquids remaining in the tank either before or after a cleaning process are considered hazardous wastes and are subject to the Environmental Protection Agency (EPA) regulations (Title 40 CFR, parts 260-265). Once subject to EPA regulations, a hazardous waste manifest is mandatory, and then the FHMR will also apply.

If strictly followed, use of the Associated Petroleum Institute (API) Recommend Practice 1604, 1987 edition, is a widely accepted method for cleaning underground storage tanks containing gasoline. It should also be noted that diluting any remaining liquids with water does not exempt the product from the FHMR.

As underground tanks are being removed from use more frequently, many companies are using on-site fueling from tankers as an alternative. Before initiating this type of program, managers should review the regulations that apply. Any tank used to transport gasoline or another flammable liquid to a job site and then used as a fueling depot must meet all of the FHMR, including specification requirements, regardless of how little it is used on the roadway.

The State Fire Safety Board, with the Michigan Department of Environmental Quality, has promulgated rules regarding the use of aboveground and underground storage tanks for flammable liquids, and the transferring of flammable liquids from container to container (e.g., tanker to vehicle). Cargo tanks used for fueling on the job site may qualify as aboveground storage tanks under certain conditions. Contact the Michigan Department of Environmental Quality for more information.

Under §172.606(b), trailers left without motive power at a location other than a consignee's, consignor's, or carrier's facility must have the shipping paper and emergency response information readily available on the vehicle, the front of the vehicle marked with the carrier's telephone number, near the brake hose and electrical connections, comply with the facility operators requirements in §172.602(c)(2). This requirement does not apply to vehicles displaying the appropriate USDOT markings and/or placards.

Also, it is illegal in Michigan to transfer a hazardous material from one container to another on a public road (including the shoulder or ditch). The only exceptions are for fueling machinery or equipment for construction, farm, or maintenance use; fueling emergency vehicles; or with the approval and supervision of the local fire chief in an emergency situation.



This document may be republished or distributed without prior permission. Specific statutes should be consulted before implementing any program. Questions should be addressed to your local hazardous materials investigator, or contact Sgt. Susan M. Fries at 517/336-6580.

Michigan State Police Motor Carrier Division www.michigan.gov/motorcarrier

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"